IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DO NO HARM, a nonprofit corporation incorporated in the State of Virginia,

Plaintiff,

v.

WILLIAM LEE, in his official capacity as Governor of the State of Tennessee,

Defendant.

Case No. 3:24-cv-01334

JUDGE TRAUGER

DECLARATION OF CALEB R. TROTTER

- I, Caleb R. Trotter, declare as follows:
- 1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration.
- 2. I am an attorney at Pacific Legal Foundation, representing Plaintiff Do No Harm in this action.
- 3. Exhibit A is a true and correct copy of a printout from the website of the Board of Chiropractic Examiners showing the current membership of the Board.
- 4. Exhibit B is a true and correct copy of the Board Member Details page for Dr. Cole Hosenfeld on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at https://tnsos.net/publications/oa/memberdetails.php?Member=42646&Board=35&Position=1461.

- 5. Exhibit C is a true and correct copy of the professional webpage for Dr. Hosenfeld at Apple Healthcare in Knoxville, Tennessee available at https://applehealthcaregroup.com/chiropractors/cole-hosenfeld-dc-dacbsp/.
- 6. Upon reviewing Exhibit B and seeing that the information for Dr. Hosenfeld's race was left blank, I reviewed Exhibit C to determine that Dr. Hosenfeld is Caucasian. The telephone number listed for Apple Healthcare ((865)-524-1234) in Exhibit C is the same telephone number listed for Dr. Hosenfeld in Exhibit B.
- 7. Exhibit D is a true and correct copy of the Board Member Details page for Rob Ailey on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at https://tnsos.net/publications/oa/memberdetails.php?Member=44559&Board=35&Position=1595.
- 8. Exhibit E is a true and correct copy of the Board Member Details page for Kara Birdwell on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at https://tnsos.net/publications/oa/memberdetails.php?Member=43190&Board=35&Position=1804.
- 9. Exhibit F is a true and correct copy of the Board Member Details page for Dale Blackwelder on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at

https://tnsos.net/publications/oa/memberdetails.php?Member=44554&Board=35&Position=626.

10. Exhibit G is a true and correct copy of the Board Member Details page for Curtis Damien on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at

https://tnsos.net/publications/oa/memberdetails.php?Member=43804&Board=35&Position=624.

11. Exhibit H is a true and correct copy of the Board Member Details page for Jason Hulme on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at

https://tnsos.net/publications/oa/memberdetails.php?Member=44104&Board=35&Position=625.

- 12. Exhibit I is a true and correct copy of the Board Member Details page for Stephanie Lazenby on the Tennessee Secretary of State's webpage for state Board and Commission Vacancies available at https://tnsos.net/publications/oa/memberdetails.php?Member=44193&Board=35&Position=893.
- 13. Exhibit J is a true and correct copy of the declaration of Kristina Rasmussen.
 - 14. Exhibit K is a true and correct copy of the declaration of Member A.
- 15. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2024.

Caleb R. Trotter

COL RES

EXHIBIT A

Search Health



HURRICANE HELENE

Board of Chiropractic Examiners

Board Members

Member	Position	Representation	Term Expires
Curtis E. Damien, D.C.	Board Member	Doctor of Chiropractic	04-30-2026
Jason B. Hulme, D.C.	Vice-President	Doctor of Chiropractic	04-30-2027
Kara Birdwell, D.C	Board Member	Doctor of Chiropractic	04-30-2025
Cole James Hosenfeld	President	Doctor of Chiropractic	04-30-2024
Dale Blackwelder, DC	Secretary	Doctor of Chiropractic	04-30-2028
Stephanie Lazenby	Board Member	CTA/CXT Member	04-30-2027
Rob Ailey	Board Member	Citizen Member	04-30-2028

EXHIBIT B

Search Boards and Commissions | Vacancy Statistics | Appointment Statistics | Non-Compliant Agencies



Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Hosenfeld, Cole

Oath: <u>View Oath</u>

Board: Chiropractic Examiners Board

Position ID: 1461

Vacancy Not Vacant

Status:

Address 1: 1137 Andrew Johnson Highway

Address 2:

City: Strawberry Plains

Zip: 37871 County: Knox

Phone 865-524-1234

House District: 19 Senate 06

District:

Race: Sex:

Term: 5/1/2019 - 4/30/2024 *Member is required to

serve until successor qualifies.

Qualifications: Serves as a chiropractor representing East

Tennessee.

Appointed By: Governor

Tennessee Secretary of State Tre Hargett

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EXHIBIT C



(https://www.applehealthcaregroup.com)

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Request Appointment (https://www.applehealthcaregroup.com/request-appointment/)



Cole Hosenfeld, DC, DACBSP

Location

Western Avenue

Position:

Chiropractor

Medical Education:

Doctorate of Chiropractic from Logan University in St. Louis, Mo.

Board Certifications:

- -Board Certified: Sports Medicine (DC) American Chiropractic Board of Sports Physicians (Monument, CO)
- -Musculoskeletal Sonography APCA (Rockville, MD)

College

Bachelor of Science degree in human biology from Logan University

Memberships

American Chiropractic Association, Tennessee Chiropractic Association, American Chiropractic Board of Sports Physicians, American Institute of Ultrasound in Medicine, Tennessee Valley Chiropractic Association

Dr. Cole Hosenfeld is a distinguished chiropractic physician with a post-doctoral board certification in sports medicine from the American Chiropractic Board of Sports Physicians (ACBSP) and a certification in musculoskeletal sonography through the Alliance for Physician Certification and Advancement (APCA). He earned his Bachelor of Science in Human Biology from Logan University, followed by a Doctorate of Chiropractic from Logan College of Chiropractic in St. Louis, Missouri.

Recognized for his exceptional contributions to the field, Dr. Hosenfeld was named "Chiropractor of the Year" by the Tennessee Chiropractic Association in 2012 and "Young Chiropractor of the Year" in 2003. He currently serves on the Tennessee Board of Chiropractic Examiners, originally appointed by Governor Bill Haslam and reappointed by Governor Bill Lee.

Dr. Hosenfeld's professional affiliations include the American Chiropractic Association, Tennessee Chiropractic Association, American Chiropractic Board of Sports Physicians, American Institute of Ultrasound in Medicine, and the Tennessee Valley Chiropractic Association. He is the primary author of "Chiropractic Therapy Assistants: A Clinical Resource Guide," the recommended textbook for chiropractic therapy assistants in Tennessee, with growing national use.

An avid learner, Dr. Hosenfeld continually seeks to incorporate cutting-edge concepts and treatments to enhance patient care. He believes in providing treatments through evidence informed care and collaboration with other providers on his patient's healthcare team to achieve high outcomes. In his personal time, he enjoys exercising, woodworking, reading, hiking, and spending time with his wife and their two daughters.



Apple Healthcare is a multi-specialty medical clinic with two locations in Knoxville, TN. We offer chiropractic, physical therapy, podiatry and functional and regenerative medicine.

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Cedar Bluff

Address

312 Prosperity Dr Suite 101 Knoxville, TN 37923

📞 Call:

(865) 691-3155 (tel:+18656913155)

O Hours:

Mon, Tue, Thu, Fri 8am-5pm Wed 8am-12pm

Western Ave

Address

4307 Ball Camp Pike Knoxville, TN 37921

Call:

(865) 524-1234 (tel:+18655241234)

Hours:

Mon-Fri 8am-5pm

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EXHIBIT D

Search Boards and Commissions | Vacancy Statistics | Appointment Statistics | Non-Compliant Agencies



Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Ailey, Rob

Board: Chiropractic Examiners Board

Position ID: 1595

Vacancy Not Vacant

Status:

Address 1: 127 Ailey Circle

Address 2:

City: Seymour Zip: 37865
County: Sevier

Phone 865-254-4861

House District: 12 Senate 8

District:

Race: Caucasian

Sex: M

Term: 5/1/2023 - 4/30/2028 *Member is required to

serve until successor qualifies.

Qualifications: Serves as a consumer who is not affiliated with

the practice of chiropractic.

Appointed By: Governor

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EXHIBIT E

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Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Birdwell, Kara

Oath: View Oath

Board: Chiropractic Examiners Board

Position ID: 1804

Vacancy Not Vacant

Status:

1302 N. Wright Road Address 1:

Address 2:

City: Alcoa Zip: 37701 County: **Blount**

Phone 865-803-6399

House District: 8 Senate 2 District:

Race: Caucasian

Sex:

5/1/2020 - 4/30/2025 *Member is required to Term:

serve until successor qualifies.

Qualifications: Serves as a chiropractor representing East

Tennessee.

Appointed By: Governor

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EXHIBIT F

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Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Blackwelder, Dale

Oath: <u>View Oath</u>

Board: Chiropractic Examiners Board

Position ID: 626

Vacancy Not Vacant

Status:

House District: 72 Senate 26

District:

Race: Caucasian

Sex: M

Term: 5/1/2023 - 4/30/2028 *Member is required to

serve until successor qualifies.

Qualifications: Serves as a chiropractor representing West

Tennessee.

Appointed By: Governor

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EXHIBIT G

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Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Damien, Curtis

Oath: <u>View Oath</u>

Board: Chiropractic Examiners Board

Position ID: 624

Vacancy Not Vacant

Status:

Address 1: 8110 Highway 51 N, #2

Address 2:

City: Millington
Zip: 38053
County: Shelby

Phone 901-487-5332

House District: 99 Senate 29

District:

Race: Caucasian

Sex: M

Term: 5/1/2021 - 4/30/2026 *Member is required to

serve until successor qualifies.

Qualifications: Serves as a chiropractor representing West

Tennessee.

Appointed By: Governor

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EXHIBIT H

Search Boards and Commissions | Vacancy Statistics | Appointment Statistics | Non-Compliant Agencies



Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Hulme, Jason

Oath: <u>View Oath</u>

Board: Chiropractic Examiners Board

Position ID: 625

Vacancy Not Vacant

Status:

Address 1: 123 Louann Lane

Address 2:

City: Hendersonville

Zip: 37075 County: Sumner

Phone 615-852-7520

House District: 45 Senate 18

District:

Race: Caucasian

Sex: M

Term: 5/1/2022 - 4/30/2027 *Member is required to

serve until successor qualifies.

Qualifications: Resident of TN, actively engaged as a chiropractic

physician for a period of at least five years.

Appointed By: Governor

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EXHIBIT I

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Board and Commission Vacancies

Board and Commission Vacancies Homepage >

Board Member Details

Name: Lazenby, Stephanie

Oath: <u>View Oath</u>

Board: Chiropractic Examiners Board

Position ID: 893

Vacancy Not Vacant

Status:

Address 1: 556 Oak Pointe Drive

Address 2:

City: Lexington Zip: 38351

County: Henderson
Phone 731-695-8331

House District: 79 Senate 25

District:

Race: Caucasian

Sex: F

Term: 5/1/2022 - 4/30/2027 *Member is required to

serve until successor qualifies.

Qualifications: A chiropractic x-ray technician or chiropractic

therapy assistant and who has been certified in

this state for nor less than two (2) years.

Appointed By: Governor

Tennessee Secretary of State Tre Hargett

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EXHIBIT J

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DO NO HARM, a nonprofit corporation incorporated in the State of Virginia,

Plaintiff,

v.

WILLIAM LEE, in his official capacity as Governor of the State of Tennessee,

Defendant.

Case No. 3:24-cv-01334

JUDGE TRAUGER

DECLARATION OF KRISTINA RASMUSSEN

- I, Kristina Rasmussen, declare as follows:
- 1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration.
 - 2. I am the Executive Director of Do No Harm.
- 3. Do No Harm is a national nonprofit corporation headquartered in Glen Allen, Virginia. Do No harm is a membership organization of over 6,000 medical professionals, students, policymakers, and concerned citizens. Its mission is to protect healthcare from a radical, divisive, and discriminatory ideology focused on identity.
- 4. Do No Harm's members are harmed by racially discriminatory laws like Tennessee Code §§ 8-1-111 and 63-4-102(c), which require the Governor of Tennessee to ensure that state boards, including the Board of Chiropractic Examiners, include racial minorities as board members. These laws exclude some of Do No Harm's members solely because of their race.

- 5. Do No Harm has one or more members who are ready, willing, and able to be appointed to the Board of Chiropractic Examiners, but cannot because of their race.
- 6. Based on my experience and discussions with many individuals, I believe many individuals would not challenge laws like Tennessee Code §§ 8-1-111 and 63-4-102(c) absent the anonymity protections that associations like Do No Harm provide.
- 7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2024.

Kristina Rasmussen

EXHIBIT K

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DO NO HARM, a nonprofit corporation incorporated in the State of Virginia,

Plaintiff,

Case No. 3:24-cv-01334

v.

WILLIAM LEE, in his official capacity as Governor of the State of Tennessee,

Defendant.

JUDGE TRAUGER

DECLARATION OF MEMBER A

- I, Member A, declare as follows:
- 1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration.
- 2. I am Member A referred to in the Complaint filed by Do No Harm against Governor Lee in the above-captioned case.
- 3. I am an adult citizen of Tennessee who resides in Union City,
 Tennessee.
- 4. I am ready, willing, and able to apply for the opening for a licensed Tennessee chiropractor on the Tennessee Board of Chiropractic Examiners.
 - 5. I am not a racial minority.
- 6. I meet all nonracial requirements for appointment to a licensed Tennessee chiropractor position on the Board. I have been actively engaged in chiropractic practice in Tennessee for 15 years and not actively engaged in the practice of any other branch of the healing arts.

- 7. I became a member of Do No Harm because I support its mission as well as this lawsuit.
- 8. I am signing the declaration under a pseudonym because if my participation in this litigation becomes public, I fear the possibility of reprisal.
- 9. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December __, 2024.